

1
2
3
4
5
6
7

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

9 UNITED STATES OF AMERICA,)
10 vs. Plaintiff,) 2:10-cr-00462-LRH-PAL
11 NELSON VASQUEZ,) ORDER
12 Defendant.)
13 _____)
14

15 Before the court is the Government's Motion to Reconsider this Court's Denial of the
16 Mandatory Restitution Order of \$525,326.50 as to Defendant Nelson Vasquez (#46). The
17 Government's motion has been brought pursuant to Fed. R.Crim. P. 35(a) to correct a sentence
18 that allegedly resulted from clear error. The motion is well merited. The fact is the court always
19 intended that restitution be ordered in the amount of five hundred twenty-five thousand three
20 hundred twenty-six dollars and fifty cents (\$525,326.50) because that was the amount which
21 represented the proceeds of the Defendant's criminal conduct. However, it was never the
22 intention of the court that the Defendant be responsible for both full restitution plus forfeiture in
23 a like amount - \$525,326.50.

24 Whether the amount be labeled as forfeiture or restitution, the court's view was that the
25 sentence imposed plus court imposed financial responsibility in the amount of the proceeds of the
26 Defendant's criminal conduct was the appropriate sentence to be imposed in this case. Upon
27 receiving the United States' motion to amend judgment (#43), the court was agreeable to casting
28 that monetary amount in terms of forfeiture rather than restitution and erroneously issued order

1 #45 granting the Government's motion. It now appears that the clear mistake by the court was in
2 issuing order #45, which was intended to substitute forfeiture for restitution.

3 Good cause appearing, IT IS HEREBY ORDERED that the court's minute order of June
4 27, 2012 granting the Government's motion to amend judgment #43 (#45) is VACATED.

5 IT IS FURTHER ORDERED that the original judgment (#38) is REINSTATED. It was
6 and remains the court's intention that the Defendant be financially responsible for restitution to
7 the Social Security Administration in the amount of \$525,326.50. However the judgment shall be
8 AMENDED to show that the payee for the payment of restitution shall be:

9 Social Security Administration
10 ATTN: Court Refunds
P.O. Box 2861
Philadelphia PA 19122.
11

12 IT IS SO ORDERED.

13
14 DATED this 11th day of July, 2012.



15
16 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28